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In the United States Patent and Trademark Office

Appn. Number: 10/712,281
Appn. Filed: November 12, 2003
Applicants: Ibara, et al.
Title: Page Holder Enabling Unencumbered Manual Page Turning
Examiner/GAU: Amy J. Sterling/3632

San José, November 4, 2006

Appeal Brief

Mail Stop Non-Fee Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby submit this Appeal Brief in support of the Notice of Appeal filed on September 9, 2006.

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REAL PARTY IN INTEREST

The real party in interest is co-inventors Steven S. Ibara, Crystal G. Steinke, Joel H. Jones, Vicky Greenbaum, Woodley Packard, and Elisa Jones.

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RELATED APPEALS AND INTERFERENCES

None

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STATUS OF CLAIMS

1. Rejected
2. Rejected
3. Rejected
4. Rejected
5. Rejected
6. Canceled
7. Rejected
8. Rejected
9. Rejected
10. Rejected
11. Rejected
12. Canceled
13. Rejected
14. Rejected
15. Canceled
16. Rejected
17. Canceled
18. Rejected
19. Rejected
20. Rejected
21. Rejected
22. Rejected
23. Rejected
24. Rejected

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STATUS OF AMENDMENTS

None

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SUMMARY OF CLAIMED SUBJECT MATTER

In accordance with MPEP § 1205.02, this section omitted by applicants *pro se*.

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GROUND OF REJECTION TO BE REVIEWED ON APPEAL

In accordance with MPEP § 1205.02, this section omitted by applicants *pro se*.

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ARGUMENT

General

Prior to discussing the claims, appellants will first discuss the general novelty of the present invention and its unobviousness over the references.

Appellants have created the first page holder capable of reliably securing pages against the wind and the closing tendency of bound books, while enabling the user to turn pages immediately—without adjusting the device, without loss of retention, and without damage to the page.

Appellants' revolutionary discovery of the structural conditions necessary for these results are found nowhere in the prior art. Appellants submit that the novel physical features of independent claims 1, 11, 21, and 23 are unobvious and hence patentable under § 103 since they produce new and unexpected results over the references, or any combination of prior art.

These new and unexpected results are the ability of appellants' device to retain pages in an open position while enabling immediate, secure page turns. This results in a dramatic decrease in time, effort, and complexity. Appellants' page holder is therefore vastly superior to that of the references, or any possible combination of prior art. The novel features of appellants' apparatus and method which effect these differences are, as stated, clearly recited in the claims.

Appellants' Results Neither Known, Nor Intended, Nor Appreciated

The main reference upon which the last Office Action relies (U.S. Patent No. 5,377,946 to Pannu) discloses a page holder, but **not appellants' results**, i.e., the new ability to turn a page under effective retention. The Supreme Court (U.S.Me. 1923) held that, "The accidental production of the result...when the result was *not intended and not appreciated*, does not constitute anticipation" (Eibel Process Co. v. Minnesota & Ontario Paper Co., 43 S.Ct. 322, 261 U.S. 45, 67 L.Ed. 523 [Emphasis supplied.]). Pannu neither intended nor appreciated appellants' results, as evidenced by the fact that there is no mention of said results in his patent.

Furthermore, when stating his advantages, Pannu describes his as "a page holder which can be

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easily manipulated" (c. 1, ll. 36-37). This demonstrates that appellants' discovery—that pages can be safely turned *without* manipulation of the page holder—was not known to Pannu. In fact, he makes no mention whatsoever of page turning. Even if Pannu had accidentally set his page holder at a tension necessary to produce appellants' results, as stated in the above case, the reference does not anticipate, and the present invention is clearly patentable over the reference.

The Invention Makes an Unsuggested Modification

Pannu makes no indication that his book holder be modified in a manner required to meet appellants' independent claims 1, 11, 21, and 23. The Supreme Court (U.S.Me. 1930) discerned that: "Question in determining 'anticipation' is not what is precise scope of claims, but what is disclosed in specification" (Minerals Separation North American Corp. v. Magma Copper Co., 50 S.Ct. 185, 280 U.S. 400, 74 L.Ed. 511). Appellants' creative initiative demonstrates the page holder's unobviousness.

Overwhelming Public Interest and Commercial Acquiescence/Potential

The battle to control sheet music in the wind has vexed musicians for centuries. The crux of the problem is simply this: the more securely the pages are retained against the wind, the more impossible a timely page-turn becomes. Our invention enables page turning under effective retention. The impact of appellants' discovery on the musical community alone is of a magnitude incomparable to the combined references which comprise the rejections. Appellants are in the process of licensing their page holder to world-renowned musical accessory manufacturer Jim Dunlop, who has been developing the present invention for market at his expense. He has made a working prototype of the basic invention, and beyond this, is currently integrating appellants' device into a whole line of products designed around the present invention. Appellants hear continual inquiries, ranging from students to conductors, into the availability of our "WindRein" page holder, as the musical community clamors for this solution to their centuries-long-felt, unsolved need. To further demonstrate the scale of public interest, in a face-to-face conversation on January 20, 2006 between appellant Elisa Jones and Disneyland

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Band Director Art Dragon, the latter expressed great interest, requested to be kept updated, and offered that the Disneyland Band might beta-test the present invention.

The Supreme Court (U.S. 1966) stated that providing people with such innovation is the basis for meriting patent protection: "The basic quid pro quo contemplated for granting patent monopoly is benefit derived by the public from invention with substantial utility" (U.S.C.A. § 101. *Brenner v. Manson*, 86 S.Ct. 1033, 383 U.S. 519, 16 L.Ed.2d 69).

New Principle of Operation Producing Valuable Result in Crowded Art

The value ascribed by those eagerly awaiting the use of appellants' new principle of operation militates further for its patentability. The Supreme Court (U.S.N.Y. 1859) "held that, though the parts of the machinery were old, yet they were so applied as to make the newly discovered principle available, and to produce a new and valuable result" (*Le Roy v. Tatham*, 63 U.S. 132, 22 How. 132, 16 L.Ed. 366). The Supreme Court (U.S.Me. 1923) declared further that "even though an invention was not a pioneer patent, creating a new art, but was an improvement on an old machine, it is entitled to liberal construction to secure to the inventor the reward he deserves, if it was a very useful discovery which has substantially advanced the art" (*Eibel Process Co. v. Minnesota & Ontario Paper Co.*, 43 S.Ct. 322, 261 U.S. 45, 67 L.Ed. 523). There is a plethora of book holders and page holders in the prior art, all of which prevent immediate page turning by the constraints of their retaining elements. Even a small step in such a crowded field is significant; far more so is appellants' major advance.

That the present invention's results entitle its creators to patent protection was stated succinctly by the Supreme Court (U.S.Mass. 1842): "A patentable 'invention' consists in a new and useful means of obtaining a desired end" (*Carver v. Hyde*, 41 U.S. 513, 16 Pet. 513, 10 L.Ed. 1051). The patentable value of such "new and useful means" was also appraised by the Supreme Court (U.S.Ohio 1909), stating that: "...an invention or discovery of a process or method involving mechanical operations and producing a new and useful result is within the scope of Rev.St.U.S. § 4886, 35 U.S.C.A. §§ 101, 102, 161, securing protection to the inventor of 'any new and

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useful art, machine, manufacture, or composition of matter, or any new and useful improvement thereof" (Expanded Metal Co., v. Bradford, 29 S.Ct. 652, 214 U.S. 366, 53 L.Ed. 1034). [Emphasis supplied.]

Reference Failed to Achieve Success

The new page holder's tremendous potential for commercial success shines in stark contrast with Pannu's reference, as his first maintenance fee was never paid, and his patent was allowed to expire well before the end of the coverage it might have afforded him. Clearly, Pannu's device fell short of the long-awaited solution embodied by appellants' discovery. The Supreme Court (U.S. Ohio 1868) held: "When a patent has been issued for improvements in a machine, which resulted unsuccessfully and were finally abandoned, any person may take up the subject of improvements where it was left by the patentee, and if successful in perfecting the invention and adapting it to actual use, he is the inventor" (Whitely v. Swayne, 74 U.S. 685, 7 Wall. 685, 19 L.Ed., 199).

Appellants' Device is a Contrarian Invention, Never Before Implemented

Those skilled in the art would have no motivation to modify Pannu's book holder in order to achieve appellants' results, since common sense and experience teach that turning a page without first removing retention will result in damage to the page. According to the Supreme Court (U.S.Ct.Cl. 1966), "Known disadvantages in old devices which would naturally discourage search for new inventions may be taken into account in determining obviousness" (U.S. v. Adams, 86 S.Ct. 708, 383 U.S. 39, 15 L.Ed.2d 572). If the present invention were obvious, those skilled in the art would surely have implemented it by now. The fact that it is not presently in use, despite its great advantages and enthusiastic market, indicates that it is not obvious.

The Present Invention Achieves Unexpected Results

The present invention achieves results that are new, superior, unexpected, unsuggested, and surprising. The page is retained, but can be turned without touching the device itself. Attached in Evidence Appendix are evaluations by professional musicians of varied musical backgrounds

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and styles, originally submitted with the Amendment faxed October 20, 2004. Additionally, in conjunction with said Amendment, appellants prepared a brief video which the Examiner stated (over the telephone on October 8, 2004) would be "admitted to the case." This video documented the musicians' initial exposure to the new page holder on October 25, 2003. Their delight and amazement are empirical evidence of unobviousness. [Please contact appellants if the Board should desire a separate copy of the previously submitted video.] All participants stated that they would purchase the device. The video also affords an opportunity to observe the present invention's great effectiveness.

There Is No Justification to Combine References

With regard to the proposed combination of Pannu and the other references cited, it is well known that in order for any prior-art references to be validly combined for use in a prior-art § 103 rejection, *the references themselves* (or some other prior art) must suggest that they be combined. E.g., as was stated in In re Sernaker, 217 U.S.P.Q. 1, 6 (C.A.F.C. 1983):

[P]rior art references in combination do not make an invention obvious unless something in the prior art references would suggest the advantages to be derived from combining their teachings.

That the suggestion to combine the references should not come from appellants was forcefully stated in Orthopedic Equipment Co. v. United States, 217 U.S.P.Q. 193, 199 (C.A.F.C. 1983):

It is wrong to use the patent in suit [here the patent application] as a guide through the maze of prior art references, combining the right references in the right way to achieve the result of the claims in suit [here the claims pending]. Monday morning quarterbacking is quite improper when resolving the question of nonobviousness in a court of law [here the PTO].

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As was further stated in Uniroval, Inc. v. Rudkin-Wiley Corp., 5 U.S.P.Q.2d 1434 (C.A.F.C. 1988),

[w]here prior-art references require selective combination by the court to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gleaned from the invention itself ... *Something in the prior art must suggest the desirability and thus the obviousness of making the combination.* [Emphasis supplied.]

In line with these decisions, the Board stated in Ex parte Levengood, 28 U.S.P.Q.2d 1300 (P.T.O.B.A.&I. 1993):

In order to establish a *prima facie* case of obviousness, it is necessary for the examiner to present *evidence*, preferably in the form of some teaching, suggestion, incentive or inference in the applied prior art, or in the form of generally available knowledge, that one having ordinary skill in the art *would have been led* to combine the relevant teachings of the applied references in the proposed manner to arrive at the claimed invention. ... That which is within the capabilities of one skilled in the art is not synonymous with obviousness. ... That one can *reconstruct* and/or explain the theoretical mechanism of an invention by means of logic and sound scientific reasoning does not afford the basis for an obviousness conclusion unless that logic and reasoning also supplies sufficient impetus to have led one of ordinary skill in the art to combine the teachings of the references to make the claimed invention.... Our reviewing courts have often advised the Patent and Trademark Office that it can satisfy the burden of establishing a *prima facie* case of obviousness only by showing some objective teaching in either the prior art, or knowledge generally available to one of ordinary skill in the art, that 'would lead' that individual 'to combine the relevant teachings of the references.' ... Accordingly, an examiner cannot establish obviousness by locating references which describe various aspects of a patent applicant's invention without also providing evidence of the

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motivating force which would impel one skilled in the art to do what the patent applicant has done.

In the present case, there was no reason given in the O.A. to support the proposed combinations, and so the evidence is not sufficient to gratuitously and selectively substitute a part of one reference for a part of another reference in order to meet appellants' novel claimed combination.

As stated in the above Levengood case,

That one can reconstruct and/or explain the theoretical mechanism of an invention by means of logic and sound scientific reasoning does not afford the basis for an obviousness conclusion unless that logic and reasoning also supplies sufficient impetus to have led one of ordinary skill in the art to combine the teachings of the references to make the claimed invention.

Appellants therefore submit that combining Pannu and the other references is not legally justified and is therefore improper. Thus they submit that the rejections on these references are also improper and should be reversed.

Even if Deemed a Close Case, Appellants' Commercial Potential Tips Scale

If there should remain any uncertainty as to the patentable merits of the present invention, its position on the brink of large-scale commercial success bridges the gap. The following Supreme Court cases all state this clearly:

U.S.Mass. 1876. "The single fact that a device has gone into general use and has displaced other devices previously employed for analogous uses does not establish in all cases that the later device involves a patentable invention, but it may always be considered and when other factors in the case leave question in doubt, it is sufficient to turn the scale" (Smith v. Goodyear Dental Vulcanite Co., 93 U.S. 486, 3 Otto 486, 23 L.Ed. 952).

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U.S.N.Y. 1938. "Commercial success is persuasive of invention in doubtful cases" (Textile Mach. Works v. Louis Hirsch Textile Machines, 58 S.Ct. 291, 302 U.S. 490, 82 L.Ed. 382).

U.S.Ill. 1944. "...once...method was discovered it commended itself to public as evidenced by marked commercial success, such factors were entitled to weight in determining whether improvement amounted to invention and should, in close case, tip scales in favor of patentability" (Goodyear Tire & Rubber Co. v. Ray-O-Vac Co., 64 S.Ct. 593, 321 U.S. 275, 88 L.Ed. 721).

U.S.N.J. 1949. "Where question of patentable invention is a close one, commercial success has weight in tipping scales of judgement toward patentability" (Jungersen v. Ostby & Barton Co., 69 S.Ct. 269, 335 U.S. 560, 93 L.Ed. 235, rehearing denied 69 S.Ct. 599, 336 U.S. 915, 93 L.Ed. 1078, rehearing denied 69 S.Ct. 600, 336 U.S. 915, 93 L.Ed. 1078, rehearing denied 69 S.Ct. 600, 336 U.S. 915, 93 L.Ed. 1078, rehearing denied 69 S.Ct. 736, 336 U.S. 932, 93 L.Ed. 1092, rehearing denied 69 S.Ct. 736, 336 U.S. 931, 93 L.Ed. 1092, rehearing denied 69 S.Ct. 736, 336 U.S. 931, 93 L.Ed. 1092).

U.S.Mo. 1966. "Such secondary considerations as commercial success, long-felt but unsolved needs, and failure of others, might be utilized to give light to circumstances surrounding origin of subject matter sought to be patented as indicia of obviousness or nonobviousness" (Graham v. John Deere Co. of Kansas City, 86 S.Ct. 684, 383 U.S. 1, 15 L.Ed.2d 545).

Rejection Under 35 U.S.C. § 103 Over U.S. Patent No. 5,377,946 and In View of U.S. Patent No. 6,375,165

Claim 1

Appellants' discovery is that a range of tension exists wherein pages can be *immediately turned under retention*. This range is very specific, and essential to the invention's results. A tension

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setting that is too low will not retain pages against the wind. A tension setting that is too high will damage the page when turning is attempted. Pannu's book holder makes no provision for this tension range, nor any mention of page turning—since, like all previous page holders, the reference is a device for retention only.

The exact range of strength which appellants employ to enable page turning under retention will vary by size and thickness of paper, and by force of wind or book binding. For this reason, independent claim 1 describes this tension as “a predetermined strength, being sufficiently strong to retain pages in an open position, yet sufficiently light to enable page turning.” Claim 1 further recites a tension adjustment control, another feature alien to the Pannu reference. This claim defines patentably over the reference, since Pannu's page holder is limited to a fixed, unspecified tension, not enabling the turning of pages of varying size and thickness, in varying wind conditions, under effective retention.

The last Office Action states that “Pannu discloses... a tensioning mechanism... set at a predetermined strength being sufficiently strong to retain pages in an open position yet sufficiently light to enable page turning” (page 3). The O.A. has improperly quoted from appellants' independent claim 1 to define the reference. The present invention's limitation of this specific tension strength is not met by Pannu, and so appellants respectfully request reversal of this rejection.

The O.A. also states that, since U.S. Patent No. 6,375,165 to Sherratt, et al discloses a tension adjustment control, this limitation would have been an obvious modification to Pannu's book holder. As stated above, it is well known that in order for any prior-art references to be validly combined for use in a prior-art § 103 rejection, *the references themselves* (or some other prior art) must suggest that they be combined. In the present case, there was no reason given in the O.A. to support the proposed combination, and so the evidence is not sufficient to gratuitously and selectively substitute a part of one reference (Sherratt's tensioning wheel) for a part of another reference in order to meet appellants' novel claimed combination.

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Pannu and Sherratt, et al Are Individually Complete

Pannu's book holder and Sherratt's movable barrier for infants are each complete and functional in themselves, so there would be no reason to use parts from or add or substitute parts to either reference.

Sherratt, et al Is From a Different Field

Sherratt's barrier is from a very different technical field than that of the invention, and is therefore nonanalogous art. Sherratt, et al stretch a sheet tautly across, e.g., a doorway to prevent infants from passing: "Normally it is desired to fix a strong tension within the barrier sheet 14, to provide a relatively solid wall which is not yieldable to any appreciable extent. This is done by rotating the tensioning wheel 38 and thus, the roller in the tightening direction ... to rotate the roller 16 in the retraction direction and increase tension. This causes a click-click-click of the ratchet assembly, as the pawl 62 ratchets against the ratchet wheel 60" (Sherratt et al, col. 5, ll. 15-23).

By contrast, applicants' tension adjustment control recited in claim 1 varies the strength of the tensioning mechanism itself. This determines the force required to draw additional length of the retaining line from the tensioning mechanism. Sherratt, et al clearly show a device that does not allow any slack to be dispensed during use, as such would be contrary to the barrier's function.

Modifications Necessary to Combine Pannu and Sherratt, et al

It would be necessary to make modifications not taught in the prior art in order to combine Pannu and Sherratt, et al in the manner suggested. This further militates for the present invention's unobviousness.

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**Even If Pannu and Sherratt, et al Were to be Combined in the
Manner Proposed, the Proposed Combination Would Not
Show All the Novel Physical Features of Claim 1**

However, even if the combination of Pannu and Sherratt, et al were legally justified, claim 1 would still have novel, unobvious physical features over the proposed combination. In other words, appellants' invention as defined by claim 1 comprises much more than merely adding a tensioning wheel to a reel. The novelty of specific clauses in appellants' independent claims over the references is discussed above.

Claim 3

In claim 3, appellants recite the tensioning mechanism of claim 1 as a self-retracting reel. The O.A. states that this claim is met by the reference; however, appellants' reel is set at a predetermined strength as defined and argued under claim 1, above. The reference does not disclose any tension setting or guidelines therefor, nor does it intend appellants' results, as argued above.

Moreover, since independent claim 1 defines novel structure that produces new and unexpected results as described above, appellants submit that such claim is clearly patentable. Since claim 3 merely recites additional subject matter, it is a fortiori patentable over Pannu and Sherratt, et al.

Claim 4

In claim 4, appellants recite the reel of claim 3 as spring-biased. The O.A. states that this claim is met by the reference; however, appellants' spring-biased reel is set at a predetermined strength as defined and argued under claim 1, above. The reference does not disclose any tension setting or guidelines therefor, nor does it intend appellants' results, as argued above.

Moreover, since independent claim 1 defines novel structure that produces new and unexpected results as described above, appellants submit that such claim is clearly patentable. Since claim 4 merely recites additional subject matter, it is a fortiori patentable over Pannu and Sherratt, et al.

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Claim 7

In Claim 7, appellants recite the force of tension as ranging from approximately 0.05 N to 0.6 N. The O.A. states that, since Sherratt, et al disclose a tension adjustment control, it would have been obvious to one having ordinary skill in the art to arrive at this specific tension range. As stated above, it is well known that in order for any prior-art references to be validly combined for use in a prior-art § 103 rejection, *the references themselves* (or some other prior art) *must* suggest that they be combined. Those skilled in the art would have no reason to work toward an optimum workable range, since the unexpected results which appellants discovered as detailed above were not within the knowledge of those skilled in the art.

As detailed above under independent claim 1, the two references are individually complete, so there would be no reason to use parts from or add or substitute parts to either reference. Sherratt's barrier is from a different field, and is therefore nonanalogous art. Sherratt, et al clearly show a device that does not allow any slack to be dispensed during use, as such would be contrary to the barrier's function. Therefore, appellants' specific tension range recited in claim 7 is also quite inapplicable to Sherratt, et al.

Furthermore, as detailed above, it would be necessary to make modifications not taught in the prior art in order to combine Pannu and Sherratt, et al in the manner suggested. This further militates for the present invention's unobviousness. However, even if the combination of Pannu and Sherratt, et al were legally justified, claim 7 would still have novel, unobvious physical features over the proposed combination. The novelty of specific clauses in appellants' independent claims over the references is discussed above.

Thus appellants submit that claim 1 clearly recites novel physical subject matter which distinguishes over any possible combination of Pannu and Sherratt, et al. Since claim 7 merely recites additional subject matter, it is a fortiori patentable over Pannu and Sherratt, et al.

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Claim 10

In claim 10, appellants recite the page holder of claim 1 as applied directly to a book. The O.A. states that this feature is met by the reference. However, Pannu discloses a book holder upon which a book is placed, and a page holder bonded to one side of the book holder, and extended across the reading matter to attach to the other side of the book holder. Therefore, Pannu's page holder is applied directly to his book holder, with capacity for a book to be held between the two. Appellants' gripping members, as recited in independent claim 1, have the superior functionality of attaching directly to a book, without the reference's dependence on any book holder. This provides the present invention's users the versatility of hands-free reading in any given setting without reliance on additional hardware, in addition to the new ability to turn pages without losing retention or adjusting the holder.

Thus appellants submit that claim 1 clearly recites novel physical subject matter which distinguishes over any possible combination of Pannu and Sherratt, et al. Since claim 10 merely recites additional subject matter, it is a fortiori patentable over Pannu and Sherratt, et al.

Claim 11

Claim 11 recites the method for achieving appellants' results, further including the diagonal positioning of the invention as shown in Drawing Figure 3, which ensures that the entire page remains open and readable (especially essential for musicians). The reference clearly lacks this capability. One of the present invention's greatest assets is its versatility to attach in any desired position, to an unending variety of surfaces (music stands, binders, books, etc.). Again, this freedom and ease are not to be found in the reference's fixed, horizontal position.

As stated above, appellants' discovery is that a range of tension exists wherein pages can be *immediately turned under retention*. This range is very specific, and essential to the invention's results. A tension setting that is too low will not retain pages against the wind. A tension setting that is too high will damage the page when turning is attempted. Pannu's book holder

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makes no provision for this tension range, nor any mention of page turning—since, like all previous page holders, the reference implies a method for retention only.

The exact range of strength which appellants employ to enable page turning under retention will vary by size and thickness of paper, and by force of wind or book binding. For this reason, independent claim 11 describes this tension as “a predetermined strength, being sufficiently strong to retain pages in an open position, yet sufficiently light to enable page turning.” This claim defines patentably over the reference, since Pannu’s page holder is limited to a fixed, unspecified tension, not enabling the turning of pages of varying size and thickness, in varying wind conditions, under effective retention.

As detailed above under claim 1, the combination of Pannu’s book holder with Sherratt’s tensioning wheel is not legally justified. No combination of prior art is suggested to produce appellants’ specific tension strength, nor diagonal position. These limitations set forth in the method of claim 11 are not met by the references, and so appellants respectfully request reversal of this rejection.

Claim 13

In claim 13, appellants further recite the tensioning mechanism in the method of claim 11 as a self-retracting reel. The O.A. states that this claim is met by the reference; however, appellants’ reel is set at a predetermined strength as defined and argued under claim 11, above. The reference does not disclose any tension setting or guidelines therefor, nor does it intend appellants’ results, as argued above.

Moreover, since independent claim 11 defines novel structure that produces new and unexpected results as described above, appellants submit that such claim is clearly patentable. Since claim 13 merely recites additional subject matter, it is a fortiori patentable over Pannu and Sherratt, et al.

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Claim 14

In claim 14, appellants further recite the reel in the method of claim 13 as being spring-biased. The O.A. states that this claim is met by the reference; however, appellants' spring-biased reel is set at a predetermined strength as defined and argued under claim 11, above. The reference does not disclose any tension setting or guidelines therefor, nor does it intend appellants' results, as argued above.

Moreover, since independent claim 11 defines novel structure that produces new and unexpected results as described above, appellants submit that such claim is clearly patentable. Since claim 14 merely recites additional subject matter, it is a fortiori patentable over Pannu and Sherratt, et al.

Claim 16

In claim 16, appellants further recite the reel in the method of claim 13 as having a tension adjustment control. The O.A. states that, since U.S. Patent No. 6,375,165 to Sherratt, et al discloses a tension adjustment control, this limitation would have been an obvious modification to Pannu's book holder. As stated above, it is well known that in order for any prior-art references to be validly combined for use in a prior-art § 103 rejection, *the references themselves* (or some other prior art) must suggest that they be combined. In the present case, there was no reason given in the O.A. to support the proposed combination, and so the evidence is not sufficient to gratuitously and selectively substitute a part of one reference (Sherratt's tensioning wheel) for a part of another reference in order to meet appellants' novel claimed combination.

As detailed above under independent claim 1, the two references are individually complete, so there would be no reason to use parts from or add or substitute parts to either reference. Sherratt's barrier is from a different field, and is therefore nonanalogous art. Sherratt, et al clearly show a device that does not allow any slack to be dispensed during use, as such would be

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contrary to the barrier's function. Therefore, appellants' tension adjustment control range recited in claim 16 is also quite inapplicable to Sherratt, et al.

Furthermore, as detailed above, it would be necessary to make modifications not taught in the prior art in order to combine Pannu and Sherratt, et al in the manner suggested. This further militates for the present invention's unobviousness. However, even if the combination of Pannu and Sherratt, et al were legally justified, claim 16 would still have novel, unobvious physical features over the proposed combination. The novelty of specific clauses in appellants' independent claims over the references is discussed above.

Thus appellants submit that claim 11 clearly recites novel physical subject matter which distinguishes over any possible combination of Pannu and Sherratt, et al. Since claim 16 merely recites additional subject matter, it is a fortiori patentable over Pannu and Sherratt, et al.

Claim 21

Claim 21 recites the method for achieving appellants' results, including providing a tension adjustment control. As stated above, appellants' discovery is that a range of tension exists wherein pages can be *immediately turned under retention*. This range is very specific, and essential to the invention's results. A tension setting that is too low will not retain pages against the wind. A tension setting that is too high will damage the page when turning is attempted. Pannu's book holder makes no provision for this tension range, nor any mention of page turning—since, like all previous page holders, the reference is a device for retention only.

The exact range of strength which appellants employ to enable page turning under retention will vary by size and thickness of paper, and by force of wind or book binding. For this reason, independent claim 21 describes this tension as “a predetermined strength, being sufficiently strong to retain pages in an open position, yet sufficiently light to enable page turning.” Claim 21 further recites a tension adjustment control, another feature alien to the Pannu reference. This claim defines patentably over the reference, since Pannu's page holder is limited

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to a fixed, unspecified tension, not enabling the turning of pages of varying size and thickness, in varying wind conditions, under effective retention.

As detailed above under claim 1, the combination of Pannu's book holder with Sherratt's tensioning wheel is not legally justified. No combination of prior art is suggested to produce appellants' specific tension strength, nor adjustment control. These limitations set forth in the method of claim 21 are not met by the references, and so appellants respectfully request reversal of this rejection.

Claim 22

In claim 22, appellants recite the force of tension as ranging from approximately 0.05 N to 0.6 N. The O.A. states that, since Sherratt, et al disclose a tension adjustment control, it would have been obvious to one having ordinary skill in the art to arrive at this specific tension range. As stated above, it is well known that in order for any prior-art references to be validly combined for use in a prior-art § 103 rejection, *the references themselves* (or some other prior art) must suggest that they be combined. Those skilled in the art would have no reason to work toward an optimum workable range, since the **unexpected results** which appellants discovered as detailed above were not within the knowledge of those skilled in the art.

Furthermore, as detailed above, it would be necessary to make modifications not taught in the prior art in order to combine Pannu and Sherratt, et al in the manner suggested. This further militates for the present invention's unobviousness. However, even if the combination of Pannu and Sherratt, et al were legally justified, claim 22 would still have novel, unobvious physical features over the proposed combination. The novelty of specific clauses in appellants' independent claims over the references is discussed above.

Thus appellants submit that claim 21 clearly recites novel physical subject matter which distinguishes over any possible combination of Pannu and Sherratt, et al. Since claim 22 merely recites additional subject matter, it is a fortiori patentable over Pannu and Sherratt, et al.

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Claim 23

Claim 23, recites the method for achieving appellants' results, further including the use of multiple page holders, as shown in Drawing Figures 2 and 3. One of the invention's greatest assets is its versatility to attach in any desired position, to an unending variety of surfaces (music stands, binders, books, etc.). The use of multiple pages holders maximizes the invention's utility to ensure that pages are kept fully open and visible, even under powerful wind, freeing a user from maintaining the pages in such conditions. This is an advance of great magnitude especially for the musician, who is now able to concentrate on his performance, his only remaining source of anxiety a possible state of being under-rehearsed.

The method described in claim 23 is simply unmet by the reference. Those skilled in the art would have no reason whatsoever to modify Pannu's combination bed tray and book holder by increasing the number of page holders. As stated above, appellants' discovery is that a range of tension exists wherein pages can be *immediately turned under retention*. This range is very specific, and essential to the invention's results. A tension setting that is too low will not retain pages against the wind. A tension setting that is too high will damage the page when turning is attempted. Pannu's book holder makes no provision for this tension range, nor any mention of page turning—since, like all previous page holders, the reference is a device for retention only.

The exact range of strength which appellants employ to enable page turning under retention will vary by size and thickness of paper, and by force of wind or book binding. For this reason, independent claim 23 describes this tension as “a predetermined strength, being sufficiently strong to retain pages in an open position, yet sufficiently light to enable page turning.”

As detailed above under claim 1, the combination of Pannu's book holder with Sherratt's tensioning wheel is not legally justified. No combination of prior art is suggested to produce appellants' specific tension strength, nor use of multiple page holders. These limitations set forth in the method of claim 23 are not met by the references, and so appellants respectfully request reversal of this rejection.

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Claim 24

In claim 24, appellants further recite the reel in the method of claim 23 as having a tension adjustment control. The O.A. states that, since U.S. Patent No. 6,375,165 to Sherratt, et al discloses a tension adjustment control, this limitation would have been an obvious modification to Pannu's book holder. As stated above, it is well known that in order for any prior-art references to be validly combined for use in a prior-art § 103 rejection, *the references themselves* (or some other prior art) must suggest that they be combined. In the present case, there was no reason given in the O.A. to support the proposed combination, and so the evidence is not sufficient to gratuitously and selectively substitute a part of one reference (Sherratt's tensioning wheel) for a part of another reference in order to meet appellants' novel claimed combination.

As detailed above under independent claim 1, the two references are individually complete, so there would be no reason to use parts from or add or substitute parts to either reference. Sherratt's barrier is from a different field, and is therefore nonanalogous art. Sherratt, et al clearly show a device that does not allow any slack to be dispensed during use, as such would be contrary to the barrier's function. Therefore, appellants' tension adjustment control range recited in claim 24 is also quite inapplicable to Sherratt, et al.

Furthermore, as detailed above, it would be necessary to make modifications not taught in the prior art in order to combine Pannu and Sherratt, et al in the manner suggested. This further militates for the present invention's unobviousness. However, even if the combination of Pannu and Sherratt, et al were legally justified, claim 24 would still have novel, unobvious physical features over the proposed combination. The novelty of specific clauses in appellants' independent claims over the references is discussed above.

Thus appellants submit that claim 23 clearly recites novel physical subject matter which distinguishes over any possible combination of Pannu and Sherratt, et al. Since claim 24 merely recites additional subject matter, it is a fortiori patentable over Pannu and Sherratt, et al.

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Rejection Under 35 U.S.C. § 103 Over U.S. Patent No. 5,377,946 and In View of U.S. Patent Nos. 6,375,165 and 5,855,329

Claim 2

Claim 2 recites the gripping members of claim 1 as clamps. The O.A. rejected claim 2 on Pannu in view of Sherratt, et al, and Pagano, stating that "Pagano teaches a book holder and retention device...which has clamping gripping members (35) attached to the support, which are used in order to clamp the book cover in place, to further secure the book to the holder, used for retracting a line into the reel..." Aside from the error regarding the reel (Pagano does not contain a reel), Pagano's "clamping gripping members" are described as "retaining clips 34 and 35 horizontally adjustable within the respective guide openings 38 and 39 so as to be engageable over the respective portions of the book..." These are clearly not analogous to the gripping members of the present invention described in claim 1. Pagano's retaining clips function to hold the book against the book holder. By contrast, applicants' clamps recited in claim 2 enable the page holder itself to be applied to any given support; even directly to a book, as recited in claim 10.

The impropriety of combining references without motivation from the prior art, as well as that of combining Pannu and Sherratt, et al, has been thoroughly argued above.

Pannu and Pagano Are Individually Complete

Pannu's and Pagano's book holders are each complete and functional in themselves, so there would be no reason to use parts from or add or substitute parts to either reference.

Modifications Necessary to Combine Pannu and Pagano

It would be necessary to make modifications not taught in the prior art in order to combine Pannu and Pagano in the manner suggested. This further militates for the present invention's unobviousness.

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**Even If Pannu and Pagano Were to be Combined in the
Manner Proposed, the Proposed Combination Would Not
Show All the Novel Physical Features of Claim 1**

However, even if the combination of Pannu and Pagano were legally justified, claim 1 would still have novel, unobvious physical features over the proposed combination. In other words, appellants' invention as defined by claim 1 comprises much more than merely substituting retaining clips for a retaining strip. The novelty of specific clauses in appellants' independent claims over the references is discussed above.

Moreover, since independent claim 1 defines novel structure that produces new and unexpected results as described above, appellants submit that such claim is clearly patentable. Since claim 2 merely recites additional subject matter, it is a fortiori patentable over Pannu, Sherratt, et al, and Pagano.

Rejection Under 35 U.S.C. § 103 Over U.S. Patent No. 5,377,946 and In View of U.S. Patent Nos. 6,375,165 and 4,826,099

Claim 5

**Pannu and Johnson Do Not Contain Any Justification to
Support Their Combination, Much Less in the Manner Proposed**

The O.A. rejected claim 5 on Pannu in view of Johnson, since Johnson retracts duck decoys with a reel biased by an elastic band. The impropriety of combining references without motivation from the prior art, as well as that of combining Pannu and Sherratt, et al, has been thoroughly argued above. There is no impetus in the prior art to suggest the proposed combination.

Pannu and Johnson Are Individually Complete

Pannu's book holder and Johnson's cord reel for duck decoys are each complete and functional in themselves, so there would be no reason to use parts from or add or substitute parts to either reference.

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Johnson Is From a Different Field

Johnson's cord reel for duck decoys is from a very different technical field than that of the invention, and is therefore nonanalogous art.

Modifications Necessary to Combine Pannu and Johnson

It would be necessary to make modifications not taught in the prior art in order to combine Pannu and Johnson in the manner suggested. This further militates for the present invention's unobviousness.

Even If Pannu and Johnson Were to be Combined in the Manner Proposed, the Proposed Combination Would Not Show All the Novel Physical Features of Claim 1

However, even if the combination of Pannu and Johnson were legally justified, claim 1 (and thus dependent claim 5) would still have novel, unobvious physical features over the proposed combination.

Moreover, since independent claim 1 defines novel structure that produces new and unexpected results as described above, appellants submit that such claim is clearly patentable. Since claim 5 merely recites additional subject matter, it is a fortiori patentable over Pannu, Sherratt, et al, and Johnson.

Rejection Under 35 U.S.C. § 103 Over U.S. Patent No. 5,377,946 and In View of U.S. Patent No. 6,375,165 and U.S. Patent Publication No. 2004/0076825 A1

Claim 8

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**Appellants' Use of PVDF Produces a Synergism Greater
Than the Respective Results of Pannu and Hashimoto, et al**

The O.A. rejected claim 8 in view of Hashimoto, et al, since the latter reference discusses PVDF as used to prevent deterioration of the mechanical properties of the line.

However, appellants' specification discusses other properties of polyvinylidene fluoride specifically germane to the present invention: "PVDF is smoother and less refractive than ordinary monofilaments" (line 0027). Thus, PVDF provides for smoother page turns and less visual distraction/distortion of the reading matter. These are decidedly unobvious applications for PVDF not found in Pannu or Hashimoto, et al, or any combination thereof.

Moreover, since independent claim 1 defines novel structure that produces new and unexpected results as described above, appellants submit that such claim is clearly patentable. Since claim 8 merely recites additional subject matter, it is a fortiori patentable over Pannu and Hashimoto, et al.

Claim 9

**Appellants' Use of PVDF Produces a Synergism Greater
Than the Respective Results of Pannu and Hashimoto, et al**

The O.A. rejected claim 9 in view of Hashimoto, et al, since the latter reference discusses PVDF as used to prevent deterioration of the mechanical properties of the line.

However, appellants' specification discusses other properties of polyvinylidene fluoride specifically germane to the present invention: "PVDF is smoother and less refractive than ordinary monofilaments" (line 0027). Thus, PVDF provides for smoother page turns and less visual distraction/distortion of the reading matter. These are decidedly unobvious applications for PVDF not found in Pannu or Hashimoto, et al, or any combination thereof.

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Moreover, since independent claim 1 defines novel structure that produces new and unexpected results as described above, appellants submit that such claim is clearly patentable. Since claim 9 merely recites additional subject matter, it is a fortiori patentable over Pannu and Hashimoto, et al.

Claim 18

**Appellants' Use of PVDF Produces a Synergism Greater
Than the Respective Results of Pannu and Hashimoto, et al**

The O.A. rejected claim 18 in view of Hashimoto, et al, since the latter reference discusses PVDF as used to prevent deterioration of the mechanical properties of the line.

However, appellants' specification discusses other properties of polyvinylidene fluoride specifically germane to the present invention: "PVDF is smoother and less refractive than ordinary monofilaments" (line 0027). Thus, PVDF provides for smoother page turns and less visual distraction/distortion of the reading matter. These are decidedly unobvious applications for PVDF not found in Pannu or Hashimoto, et al, or any combination thereof.

Moreover, since independent claim 11 defines novel structure that produces new and unexpected results as described above, appellants submit that such claim is clearly patentable. Since claim 18 merely recites additional subject matter, it is a fortiori patentable over Pannu and Hashimoto, et al.

Claim 19

**Appellants' Use of PVDF Produces a Synergism Greater
Than the Respective Results of Pannu and Hashimoto, et al**

The O.A. rejected claim 19 in view of Hashimoto, et al, since the latter reference discusses PVDF as used to prevent deterioration of the mechanical properties of the line.

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However, appellants' specification discusses other properties of polyvinylidene fluoride specifically germane to the present invention: "PVDF is smoother and less refractive than ordinary monofilaments" (line 0027). Thus, PVDF provides for smoother page turns and less visual distraction/distortion of the reading matter. These are decidedly unobvious applications for PVDF not found in Pannu or Hashimoto, et al, or any combination thereof.

Moreover, since independent claim 11 defines novel structure that produces new and unexpected results as described above, appellants submit that such claim is clearly patentable. Since claim 19 merely recites additional subject matter, it is a fortiori patentable over Pannu and Hashimoto, et al.

Rejection Under 35 U.S.C. § 103 Over U.S. Patent No. 5,377,946 and In View of U.S. Patent Nos. 6,375,165 and 3,813,075

Claim 20

The impropriety of combining references without motivation from the prior art, as well as that of combining Pannu and Capper, has been thoroughly argued above. There is no impetus in the prior art to suggest the proposed combination.

Pannu and Capper Are Individually Complete

Pannu's book holder and Capper's combination book holder and book stand are each complete and functional in themselves, so there would be no reason to use parts from or add or substitute parts to either reference.

Modifications Necessary to Combine Pannu and Capper

It would be necessary to make modifications not taught in the prior art in order to combine Pannu and Capper in the manner suggested. This further militates for the present invention's unobviousness.

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**Even If Pannu and Capper Were to be Combined in the
Manner Proposed, the Proposed Combination Would Not
Show All the Novel Physical Features of Claim 11**

However, even if the combination of Pannu and Capper were legally justified, claim 11 (and thus dependent claim 20) would still have novel, unobvious physical features over the proposed combination. In other words, appellants' invention as defined by claim 11 comprises much more than merely substituting Capper's combination book holder and book stand for Pannu's bed tray and book holder. The novelty of specific clauses in applicants' independent claims over the references is discussed above. The advantages of applying the present invention to a clipboard are unexpected, and solve a long-felt need (e.g., at construction sites).

Thus applicants submit that their invention is much more than merely substituting one book holder for another and that claim 11 clearly recites novel physical subject matter which distinguishes over any possible combination of Pannu, Sherratt, et al, and Capper. Since claim 20 merely recites additional subject matter, it is a fortiori patentable over the references.

Conclusion

For all the above reasons, appellants submit that the claims all define patentably over the prior art. Therefore they submit that this application is condition for allowance, which action they respectfully solicit.

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Very respectfully,


Steven Ibara


Crystal Steinke


Joel Jones


Vicky Greenbaum


Woodley Packard


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Applicants Pro Se

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Certificate of Facsimile Transmission. I certify that on the date below I will fax this paper to the Central Fax Number of the U.S. Patent and Trademark Office at (571) 273-8300.

November 4, 2006



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CLAIMS APPENDIX

The following list contains all claims that were ever in the application, with the text of all active claims.

1. (PREVIOUSLY PRESENTED) A page holder comprising:

- (a) a tensioning mechanism set at a predetermined strength, being sufficiently strong to retain pages in an open position, yet sufficiently light to enable page turning,
- (b) a plurality of gripping members, and
- (c) a retaining line of predetermined length,
- (d) said tensioning mechanism being attached to one of said gripping members, and
- (e) said line being attached to said tensioning mechanism so that said tensioning mechanism feeds in additional line to enable page turning and subsequently retracts said additional line as the page turn is completed,
- (f) the other end of said line being attached to the second gripping member, and
- (g) the tensioning mechanism including a tension adjustment control that allows a user to vary tension the tensioning mechanism applies to the retaining line,

whereby said pages are retained in an open position, and
whereby a user can turn said page without delay or encumbrance, and
whereby the remaining pages are secure throughout the page turn.

2. (ORIGINAL) The page holder of Claim 1, wherein said gripping members are clamps.

3. (ORIGINAL) The page holder of Claim 1, wherein said tensioning mechanism is a self-retracting reel.

4. (ORIGINAL) The page holder of Claim 3, wherein said reel is spring-biased.

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5. (ORIGINAL) The page holder of Claim 3, wherein said reel is biased by an elastic band.
6. (CANCELED)
7. (PREVIOUSLY PRESENTED) The page holder of Claim 1, wherein the force of tension ranges from approximately 0.05 N to 0.6 N.
8. (ORIGINAL) The page holder of Claim 1, wherein said line is a monofilament.
9. (ORIGINAL) The page holder of Claim 8, wherein said monofilament is made from polyvinylidene fluoride.
10. (ORIGINAL) The page holder of Claim 1, wherein said page holder is applied directly to a book.
11. (PREVIOUSLY PRESENTED) A method of retaining pages while enabling unencumbered manual page turning, comprising:
 - (a) providing a page holder comprising a tensioning mechanism set at a predetermined strength, being sufficiently strong to retain pages in an open position, yet sufficiently light to enable page turning, said tensioning mechanism being attached to a first gripping member, and said tensioning mechanism dispensing a retaining line such that said tensioning mechanism feeds in additional line to enable page turning and subsequently retracts said additional line as the page turn is completed, the other end of said line being attached to a second gripping member,
 - (b) providing a support for reading matter, and placing reading matter on said support,
 - (c) attaching said gripping members to opposing edges of said support, and extending said line diagonally across said reading matter,

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whereby said pages are retained in an open position, and
whereby a user can turn said page without delay or encumbrance, and
whereby the remaining pages are secure throughout the page turn.

12. (CANCELED)

13. (ORIGINAL) The method of Claim 11, wherein said tensioning mechanism is a self-retracting reel.

14. (ORIGINAL) The method of Claim 13, wherein said reel is spring-biased.

15. (CANCELED)

16. (ORIGINAL) The method of Claim 13, further including a tension adjustment control on said reel.

17. (CANCELED)

18. (ORIGINAL) The method of Claim 11, wherein said line is a monofilament.

19. (ORIGINAL) The method of Claim 18, wherein said monofilament is made from polyvinylidene fluoride.

20. (PREVIOUSLY PRESENTED) The method of Claim 11, wherein said support is a clipboard.

21. (PREVIOUSLY PRESENTED) A method of retaining pages while enabling unencumbered manual page turning, comprising:

Appn. Number 10/712,281 (Ibara, et al) GAU 3632 Appeal Brief contd. 39 of 42

- (a) providing a page holder comprising a tensioning mechanism having a tension adjustment control, and set at a predetermined strength, being sufficiently strong to retain pages in an open position, yet sufficiently light to enable page turning, said tensioning mechanism being attached to a first gripping member, and said tensioning mechanism dispensing a retaining line such that said tensioning mechanism feeds in additional line to enable page turning and subsequently retracts said additional line as the page turn is completed, the other end of said line being attached to a second gripping member, the tension adjustment control allowing a user to vary tension the tensioning mechanism applies to the retaining line,
- (b) providing a support for reading matter, and placing reading matter on said support,
- (c) attaching said gripping members to opposing edges of said support, and extending said line across said reading matter,

whereby said pages are retained in an open position, and
whereby a user can turn said page without delay or encumbrance, and
whereby the remaining pages are secure throughout the page turn.

22. (PREVIOUSLY PRESENTED) The method of Claim 21, wherein the force of tension ranges from approximately 0.05 N to 0.6 N.
23. (PREVIOUSLY PRESENTED) A method of retaining pages while enabling unencumbered manual page turning, comprising:
- (a) providing a plurality of page holders, each comprising a tensioning mechanism set at a predetermined strength, being sufficiently strong to retain pages in an open position, yet sufficiently light to enable page turning, said tensioning mechanism being attached to a first gripping member, and said tensioning mechanism dispensing a retaining line such that said tensioning mechanism feeds in additional line to enable page turning and subsequently retracts said additional line as the page turn is completed, the other end of said line being attached to a second gripping member,

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- (b) providing a support for reading matter, and placing reading matter on said support,
- (c) attaching said gripping members to opposing edges of said support, and extending said lines across said reading matter,

whereby said pages are retained in an open position, and
whereby a user can turn said page without delay or encumbrance, and
whereby the remaining pages are secure throughout the page turn.

24. (PREVIOUSLY PRESENTED) The method of Claim 23, further including a tension adjustment control that allows a user to vary tension which the tensioning mechanism applies to the retaining line.

Appn. Number 10/712,281 (Ibara, et al) GAU 3632 Appeal Brief contd. 41 of 42

EVIDENCE APPENDIX

1. Evaluation forms completed by participants in a commercial evaluation of the present invention on October 25, 2003, originally submitted with the Amendment faxed October 20, 2004.
2. Additionally, in conjunction with said Amendment, appellants prepared a brief video which the Examiner stated (over the telephone on October 8, 2004) would be "admitted to the case." Please contact appellants should the Board desire a separate copy of this video.

WindRein™ Consultation Response FormName Robert CarvalhoWhat was your overall impression of WindRein™? FANTASTIC!
VERY PRACTICAL AND USEFULWould you purchase this product? ☒ Yes ☐ NoIf "Yes," what would you consider a fair price (or price range)? UNDER 20

If "No," why not? _____

What color preference(s) do you have for this device? BLACKIn what other applications do you think WindRein™ might be useful (e.g.,
paperback books)? FITNESS MACHINE BOOK/MAGAZINE
RACKS, KITCHEN COOKBOOK HOLDERSPlease note any additional comments or concerns. OR ADJUSTABLE TENSION
NEED A VARIETY OF SIZES, UP TO 3
MUSIC STANDS WIDE FOR GUITAR PLAYERS
PERHAPS INCLUDE ^{INSTRUCTION} ADVISE TO MOUNT TO
A BOARD OR BINDER FOR WIRE STANDS OR UPRIGHT
PIANOS WITHOUT RACKS
Thank you! Your input is valuable to us.

On

WindRein™ Consultation Response FormName Theresa Frazee

What was your overall impression of WindRein™? It was excellent!
Every aspect has been thought of (as far as I can tell,
anyway)!

Would you purchase this product? ☒ Yes ☐ NoIf "Yes," what would you consider a fair price (or price range)? \$10-20

If "No," why not? _____

What color preference(s) do you have for this device? black

In what other applications do you think WindRein™ might be useful (e.g.,
paperback books)? outside sermons, poetry readings,

Please note any additional comments or concerns. Good job, guys!
I think you have a winning product!

Thank you! Your input is valuable to us.

On

WindRein™ Consultation Response FormName Linda Jansen

What was your overall impression of WindRein™? _____

Very useful gadget!Would you purchase this product? ☒ Yes No at least 2 of themIf "Yes," what would you consider a fair price (or price range)? \$15-25 for 1

If "No," why not? _____

What color preference(s) do you have for this device? clear as possible,
black for other partsIn what other applications do you think WindRein™ might be useful (e.g.,
paperback books)? Outdoor speakersPlease note any additional comments or concerns. _____
make the right side easy to grab/move, by the left side
having a big enough place for the thumb
near the barrel of the reel. Make a pouch or
case for one and another for two.

Thank you! Your input is valuable to us.

On

WindRein™ Consultation Response FormName Elsa CarvalhoWhat was your overall impression of WindRein™? a useful tool for
musiciansWould you purchase this product? ☒ Yes ☐ NoIf "Yes," what would you consider a fair price (or price range)? \$10-12

If "No," why not? _____

What color preference(s) do you have for this device? clear or blackIn what other applications do you think WindRein™ might be useful (e.g.,
paperback books)? holding cookbooks on racks, holding books
to aerobic gym machines

Please note any additional comments or concerns. I would favor buying
a one size fits all model as opposed to buying multiple
models of different sizes. In cases where I needed it to
secure 4 or 5 pages I wouldn't mind a little extra tension
because I wouldn't need to turn pages during a song; I would
spread out one whole song at a time. It would be valuable
to have those pages secure during a song and then I could switch
songs pages in between songs.

Thank you! Your input is valuable to us.

On

WindRein™ Consultation Response FormName Frank PratsWhat was your overall impression of WindRein™? VERY GOOD IDEAKEEP GOING!Would you purchase this product? ☒ Yes ☐ NoIf "Yes," what would you consider a fair price (or price range)? 20 ⁰⁰ ?

If "No," why not? _____

What color preference(s) do you have for this device? FLAT BLACKIn what other applications do you think WindRein™ might be useful (e.g.,
paperback books)? _____Please note any additional comments or concerns. TRY A TEST WITHUNBOUND MUSIC THAT IS TAPED TOGETHER!✓ SEE HOW THAT WORKS

Thank you! Your input is valuable to us.

Appn. Number 10/712,281 (Ibara, et al) GAU 3632 Appeal Brief contd. 42 of 42

RELATED PROCEEDINGS

None